CF0000087887

COURT FEE भारत INDIA बीस रुपये TWENTY RUPEES

CANCELLED

IN THE HIGH COURT OF JUDICATURE AT JABALPUR, M.P.

Criminal Revision No.1360 of 2000.

Uttam Kumar Sahu S/o Pyarelal Sahu,
aged about 30 years, by occupation-
Servant, R/o village Pendri,
P.S. Lalbagh, Distt. Rajnandgaon,
at present Bhatapara, Distt. Raipur,
(M.P.). ... PETITIONER.

-versus-

State of Madhya Pradesh. ... RESPONDENT.

CRIMINAL REVISION UNDER SECTION 397/401 OF THE CODE OF CRIMINAL PROCEDURE, 1973.

XI-HC-22

(40)

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.R. No. 1360/2000. सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
23.3.2001.	Shri D.K.Gwalre, learned counsel for the applicant. Shri R.K.Jajodiya, learned counsel for the State. Heard. Present is a petition by the accused against framing of the charge punishable under Section 15 of the N.D.P.S. Act. Learned counsel for the applicant submits that from the documents annexed with the petition which were also filed before the trial Court, it would clearly appear that the present applicant was employed by the licencee Ajay Gupta to help and assist the said licencee in the management of his business and on the application of said Ajay Gupta the Excise Department had issued a sanctioned letter in favour of the said Ajay Gupta. Learned counsel for the applicant submits that if these documents are taken in their true perspective, a prima facie charge would not be made out . On the other hand learned counsel for the State opposes the application petition. The documents on which very strong reliance is placed by the applicant have yet not been proved and would be	

आदेश पत्रक (पुर्वानुबद्ध)

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required to be proved during the course of the trial. Production of a document is not its proof. The contents of the document will have to be proved by the applicant after summoning the defence witnesses. At this stage, it cannot be said that the Court below was unjustified in framing the charges.

On the merits, I am unable to interfere in the order passed by the learned Court below. It is,however, directed that if the applicant makes a request to the learned trial Court for summoning the defence witnesses, especially his employer Ajay Gupta and some officers from Excise Department, especially the Asst.Commissioner(Excise) Raipur, then, the said witnesses would be summoned through the agency of the Court and the Court shall see that not only the witnesses are served, but are kept in attendance so that the applicant may examine them as his defence witnesses.

The petition with the observation aforesaid is dismissed.

Sd/-
R.S. Garg
Judge

Subbu.

C.C. today.

Endt No 3699 Dated 23/5/07